

VI

THE ANSWER

OF THE
CHANCELLOR,
MASTERS AND SCHOLARS
of the University of OXFORD,

TO

*The Petition, Articles of Grievance,
and Reasons of the City of OXON.*

Presented to the Honorable Committee
for Regulating the UNIVERSITY of
OXFORD the 24. of July 1649.



OXFORD,
Printed by H. Hall Printer to the University. 1649.

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OXFORD

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April 6. 1649.

To the Supream Authority of the
Nation, the Commons in Parlia-
ment Assembled.

*The Humble Petition of the Major, Aldermen,
Bayliffs, and Commonaltie of the City of Oxon,
in the County of Oxon.*

Humbly sheweth,



THat they taking notice of the late memora-
ble Acts of Parliament, made for regulating
of the Privy Councel, and for taking away
of the Court of Star-chamber, the high
Comission Court, and others of the like na-
ture; and being thereby made sensible of
your worthy intentions to disinslave the
free-borne People of this Nation from all manner of Arbi-
trary Judicature or Power, and enable them to live like
Freemen under the known Laws of this Land; are thereby
at this present emboldned to make known unto you, the
most intollerable sufferings and oppressions, which they for
a long time past, and yet by an Arbitrary and unlimited
power exercised over them by the University of Oxon,
have under-gone, and at this time suffer, as by particulars
hereunto annexed may appear;

And for redress whereof your distressed Petitioners
humbly implore your gracious assistance.

And whereas your Petitioners at this present, partly
through decay of trading, and partly through the long and

daily payments, taxes, and quartering of Souldiers are very much impoverished, and their City abounding with such multitudes of poor people, that they are not able to relieve them without provision of a convenient stock wherewithall to set them on work; for the raising whereof, there is a certain large piece of ground, called *Portmeade*, lying neer the said City, wherein your Petitioners have the Inheritance and the Village of *Woolvercot* only Common of pasture therein by reason of vicinage which being enclosed & leased out for certain years would raise a convenient stock for the relief and setting on work of the said poor. The which your Petitioners are very desirous, and have much endeavoured to effect, but have been, and still are hindred in these their pious, and good intentions, by the Inhabitants of *Woolvercot* aforesaid; Albeit your Petitioners have been, and are willing to allow them a proportionable quantity of ground, to be allotted them out of the said ground in lieu of their said Common.

Your Petitioners likewise humbly pray, that they be enabled by Authority of this present Parliament, to enclose, and demise for some competent number of years, the said ground called *Portmeade*, for the use aforesaid, leaving a proportionable quantitie of ground, or otherwise allowing some sufficient recompence unto the said Inhabitants of *Woolvercot* in lieu thereof,

All which we refer to the wisdom and judgment of this Honorable House, humbly desiring your serious and speedy considerations, and resolutions herein, and to make such order for your Petitioners relief, touching the premises, as you in your grave wisdoms shall think meet and expedient.

And we shall ever pray, &c.

A Schedule of the Cities Grievances claim-
ed, and at several times put in execution against
them by the University.

1. **T**He University claimeth power to determine all con-
troversies whatsoever, between any persons whatsoe-
ver, if one of the parties be a privileged person (except in
cases of main felony & freehold) & they claim allowance of
their privileges in all other Courts, without pleading of
them, & without fee, and to try matters of fact without Jury,
or without open examination of the witnesses in the case,
but only in private, before a Register, and proceed in an Ec-
clesiasticall way, by citation, excommunication, and the like,
contrary to the course of the Common Laws; and their sen-
tences are not grounded upon any certain Law, either Civil,
Canon, Statute, or Common Law, but *secundū equū & bonū*,
and meerly Arbitrary, at the will of the Vice-chancellor, or
his Vice-chancellor against whose sentence, how unreasona-
ble soever, no Writ of Error will be by them allowed, or o-
ther redress admitted, but only by appeal before themselves,
in their Convocation or Congregation. in which particular,
the Citizens finde themselves much grieved, being by those
proceedings not only delayed, but oftentimes defeated of
their just debts, without any redress at all.

2. Without any lawfull power they take upon them to
make Proclamations, thereby imposing not onely penary
mults, but also imprisonment upon such persons as shal not
obey their matters contained in such Proclamations, and this
not only upon Citizens, but likewise upon all others, dwel-
ling within five miles of *Oxon*.

3. They claim & exercise a power over the Citizens, to im-
pose 40 s. upon any Citizen, being found out of his house af-
ter 9 of the clock, albeit it be in the summer time; and albeit
they be Constable in their search for Fellons, upon pursuit of
his & cry; or Aldermen of the City, or Justices of the Peace,
in

in conveying of Malefactors to the Goal, or the like; and for default of present payment of the 40 s. to send them to prison, there to continue until satisfaction made to the Proctors.

4. They claim the sole power of Licencing of Ale-houses, Brewers, and Maulsters, and usually take for the making of Licences for Brewers to Brew, and for Maulsters to make Mault 17 s. 8 d. and take Recognizances, of the Ale-house-keepers, but never returne any of them to the Quarter Sessions.

5. They have challenged to have powers, and *de facto* have exercised a power, to pull down the Citizens houses of Habitation; and some of the Butchers Shambles within the City.

6. They take upon them power to dis-common Citizens at their pleasure, and to inhibite all priviledged persons, to have any commerce or trading with them; which power they have also exercised upon divers Citizens.

7 They exact from the Mayor and sixty two Citizens, an Oath for the maintenance of the University Priviledges; whereas many of their pretended Priviledges are meere Usurpations and Ineroachments upon the Liberties of the City, which the Citizens by their Oaths are bound to preserve.

8. They claim and exercise a power to enforce the Major, and sixty two Burgeses of the City, to come yearly to Saint *Maries* Church on the tenth of *February* (called by them *Scholastims* day) to make an Oblation at the High Altar, of sixty three pence for the slaughter of sixty three Scholars, *tempore Ed. 3.* to procure a Mass for the souls of the sixty three slaughtered persons; for the non-performance whereof, they give forth, That they will put a bond in suit, which the City in those dayes entered into to the University.

9. They claim a power to make By-laws, thereby to bind the Inhabitants of the City, which are meere strangers, and were never called to the making of them.

10. They take upon them power to make new Officers, as Tole takers of Corn, and the like; and they constitute Coroners,

ners, which Office of Right belongeth to the City by their ancient Charters, and Usage, time out of minde.

11. They claim Fellons Goods, and Deodans, by their new Charter, albeit the City time out of memory hath enjoyed, and hath right unto them by their ancient Charters, as they conceive; and albeir, the City be at the charge of keeping of Fellons, and of the delivery of them.

12. The Market, the Soyl, and the Streets belong to the Citizens, together with Toll, Stallage, and Picage, yet the University claimeth all these; and divers times by Proclamation alter the Market days, whereas the University have only the Clarkship of the Market, and the perquisites, and profits thereof, belong to the City toward their Fee-farm Rent.

13. They set up divers Taverns in *Oxon*, and will not permit the City to set up any, contrary to the true intent of the Statute of 7. Ed. 6.

14. They claim power to set up Trades within the City, and to authorize Forraigners to exercise any trade there, as fully as a Freeman of the City; and that albeit such Forraigner never served as an Apprentice.

15. In case the City punisheth any irregular Freeman for misdemeanour, or make any By-law for regulating of such misdemeanour, they presently become servant to some Master of Arts, or else to be an under Gardner to some Colledge, or Hall, and thereby exercise their Trades, in contempt of the City, and their By-laws, & refuse to pay any payments with the City, except such as shall be warrantable under the Seal of the University,

April

April. 30. 1649.

A Particuler of the Grievances of the City of Oxon against the Universitie of Oxon, together with the reasons thereof exhibited unto the Honorable Committee for the regulating the said University, according to the directions of an Order of the said Committee of the 26. of this instant April. 1649.

1. *Grievance*

That Schollers and Priviledged persons draw Townsmen in suit into the Vicechancellors Court for any matters whatsoever (except *Mayhem*, *Felony*, and *Free hold*) as well in cases where they are Plaintiffs, as where they are Defendants: in which particulars, the Citizens conceive they have just cause of complaint for diverse reasons.

1.

First, for that by the ancient Charter of *Hen. 1. Hen. 2. Edw. 3.* and divers other sublequent Charters confirmed by act of Parliament and allowed by Justyces in Eyre and in the Courts at Westminster, they ought not to be impleaded out of their own Court, but to have their tryall in their own Court according to the Customes and usages of *London*, for that they are by their Charters to enjoy the same libertyes and customes, and the Perquisites and Profits of their Court are parcell of their Fee, farme which would be left or at leastwise lessened in case that their suits and tryals should be in the Chancellours Court, as well where a priviledged person is Plaintiffe as Defendant: (there being at this present neare about a third part of the Householders within the Citty priviledged by the University as is conceived.

2.

Secondly, For that the proceedings in the University Court are by citation *Via & Modis*, Libell, Excommunication, and the like, and the sentences of the Chancellor, or his Vicechancellor, or Commissarye not confined or tyed to any certeine Lawe, either Civill, Cannon, or Common Lawe. But either according to any of these, or according to the Customes & statutes of the University heretofore used

or

or hereafter to be ordeined, or according to his and their best discretion, notwithstanding any statute whatsoever either made or to be made, against whose sentence (be the same just or unjust) there is no remedy either by removing the cause to any of the Courts of Westminster either of Law or equitie or otherwise then before themselves.

Thirdly, for that diverse Citizens have commenced severall suits in that Court both for just debts due unto them by bond, as also for insufferable injuries committed against them by privileged men after long and tedious suits of 3 or 4 yeares standinge, and much expence, have beene destitute of any redresse there at all.

Fourthly for that (as the Cittizens conceive) that Court and the order and manner of their proceedings consisteth not with the present Constitution of the Commonwealch or the Libertye of the People, this particular not onely concerning the Cittizens of *Oxon*, but all others who shall have any commerce or dealing with a Scholler or a Priviledged Person.

The Vniversity claimeth a power to imprison, and to impose a mulct of 40s. upon any Cittizen being out of his house after nyne a clocke at night without such reasonable cause as the Proctors or Vicechancellor shall allowe of. the Proctor having the benefit of the Mulct, and this hath beene exercised not onely upon private Cittizens but upon the publique Magistrates and Officers of the Citty, as Bailiffes, Constables, and the like being in the execution of their offices to preserve the peace, to pursue Hue and Cryes to keepe watch and ward, Convey offenders to prison by vertue of the Iustyce of peace warrants, to prevent escapes from the Gaole, whereof the Bailiffes have the charge and the like, which the Cittizens conceive to be a great Greevance contrary to the great Charter and other lawes to their Native and just liberties, the rather for that the fyve Aldermen and eight Assitants of the Citty, besides what the Law of the Land requires are by their Auncient Charters and by their Oathes bound to search for and apprehend

prehend Malefactors within the City as well by night as by day. Nevertheless the said Cittizens can desire no lesse, but that if the Major or any Officer of the City finde any priviledged person disorderly and irregular they may have power and libertye to secure them untill they may be sent to the Vicechancellor or Proctor, and they to deale in like manner with the cittizens. But that the Vniversitye should impose such a mulct and inflict imprisonment for Non payment upon a Cittizen that is abroad after such a tyme about his lawfull occasions, and to make the Proctor judge in his owne cause whether it was a lawfull occasion or nor, he being to have the 40s. And for a civill man to goe to the Vicechancellor for leave to be out of his house after nyne of the clocke or not to stirre abroad before 4 of the clocke in the morning is conceived by us to be a greater tyrannye then is fit for any freeman to beare.

3 *Greevance*

That the Vniversitye have heretofore restrained all Bakers and Brewers within the precincts of the City and Suburbs thereof to bake or brew within the City, except they first take a Lycence from the Vniversity, for which they challenge 17. 8d, and also enforceth them to take an oath to observe such assize as the Vicechancellor from time to time shall appoint, the which the Cittizens conceive to be a Greevance and a burthen both in respect of the money extorted from them, there being no such somme of money due by the Lawes of this Land for such lycence, as also for that they conceive it most proper and peculier for the City to set up and order Trades within the City where they served as Apprentice, and for other reasons hereafter mentioned in the Greevance concerning Trades being contrary to the Liberty of the People. and priviledge no waies suitable or proper (as the Cittizens conceive) for Schollers to pretend unto.

4 *Greevance*

The Vice-chancellour heretofore hath by power pulled down some Cittizens houses of habitation for which there as yet hath no satisfaction been made either to the Tenant or tenants in possession, or to the Cittizens who had the inheritance

heritance thereof. as namely in particuler the house of one *Tredwell*, then worth *10l. per annum*, and the house of one *Master Chambers* worth *6l. per annum*, for which it is conceived the University ought to make satisfaction both to the Tenants and the City.

The Cittizens conceive it to be a great pressure and inconsistent with the Principles of charity, or the liberties of the people, or the lawes of the Land to inhibit all the Members or priviledged persons of the University to have any commerce, trade, or dealing with such Cittizens as the Vice-chancellour or Proctor at their liberty shall dislike, it being a meanes to breed enmity betweene neighbour and neighbour; and to hinder mutuall amitye betweene friend and friend, as also tending to a Monopoly of Trading, and done for the maintaining of some private interest, of meere will and power against the publike interest of the Citties Liberties. And also to the utter ruine and destruction at their pleasure of any Citizen and his family in their Trade.

Touehing the Oath that the Vniversity demandeth of the Maior and of the Cittizens.

The Cittizen take it as a grievance and burthen to their Consciences, (which they hope the wisdom and Piety of the Parliament will not suffer) to have an Oath imposed upon them in Generall Tearmes to mainteine the Priviledges of the University, the Cittizens not knowing what they are. And the University pretending all to be just which they claime; And besides the Maior by his oath is bound to mainteine all the rights and liberties of the City, many of which do clash and stand in opposition to divers of those which the University claime.

The Cittizens finde themselves very much agreed that the Maior and 62 Cittizens with him should be compelled to come to *St. Maries* yearly upon the tenth day of *Februarye* to make an oblation there at the high Altar of 63 pence for the soules of 63 schollers or Priviledged persons slaine in the time of *Edw. 3^l*. This in the Originall being grosse superstition and the memorye and continuance of it to be

totally abolished without any memoriall thereof to be observed. And therefore hope and desire that one Indenture and one obligation of the penalty of 1000 markes entered into by the Citty unto the University in these dayes of superstition, for the continuance of that superstitious anniversary, may be delivered up to the Citizens to be cancelled, and the obloquie put upon the Citizens by reason of this Ceremonie quite abolished, And whereas the University now sayth that they wil be content with the 5s. 3d *per annum* and dispense with the superstitious Ceremonie: the Citizens desyre by the wisdom and Authority of Parliament they shall bee excused from any such acknowledgment of that servile and superstitious nature, Not that wee would contend with the Vniversity for such small matters (towards whom we ever have, and shall respectively Comport our selves) but that we may not part with our liberties at any rate nor beare witness against the truth.

8. The Vniversity claimeth power to make Bilawes to bind the Inhabitants of the Citty, and to lay both pecuniary Mulfets and imprisonment upon the breakers thereof as upon Taylors that have made Gownes after other fashions then have beene set downe in their Private orders, which they Cittizens conceive to be an unjust and arbitrary practice, That they should be bound by such lawes as they never knew, nor ever consented unto by themselves or any representative. And their estates and persons should bee lyable to the pleasure of others to whose Acts or Actions they are no wayes Privye, and is as they conceive contrary to the fundamentall lawes of this Land, and the liberty of freemen of this Nation.

9. The Vniversity claimeth Fellon's goods and Deodands which the Cittizens take as a Greevance for that by their Auncient Charters they are by apt words granted unto them And moreover the Cittizens have the Custodye and charge of the Gaole and of the Prisoners, and the power to deliver the Gaole and lyable to all escapes, And it seemeth unreasonable that Cittizens should be at all the charge and the Vniversity

Vniversitye to have all the profit, and such persiquites (besides for the reasons aforesaid) may seeme not very proper nor convenient for schollers to trouble themselves withall.

The Vniversity inhibiteth the Citty from setting up any Tavernes within the Citty, or the selling of Wine by retaile, the which the Cittizens conceive to be against the true meaning of the Stat. 7. Edw. 6. And against diverse of the aunient Charters of the Citty, and therefore desire that this grievance likewise may be redressed.

The Vniversity assumeth power to set up Trades within the Citty, and to authorize Forraigners to exercise Trades there, albeit they never serv'd as an Apprentice, the which the Cittizens take as a great Greevance and oppression, It being granted unto them by divers and sundry aunient Charters and confirmed in Parliament That no person or persons whatsoever, who are not of their Guilde, shall set up any Trades or sell by Retaile with them, much lesse that such that have not served as Apprentices, nor are liable to performe duties or services of the Commonwealth as they pretend.

The Cittizens are willing that the Vniversity may enjoy and continue all just and due Priviledges, which either make for the advancement of Learning, or are fit for them to enjoy, but any priviledge or practize, which exalts it selfe above the power of the Civill Magistrate, which is founded upon superstition or Tyranny, or which is inconsistent with the freedome and just Immunities of a subject or free Cittizen, they hope and earnestly pray may be by the wisdom and goodnesse of this Parliament quite abolished.

10. The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the American Telephone and Telegraph Company, for the year ending December 31, 1907.

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JULY 24. 1649.

THE ANSWER OF THE CHANCELLOR, MASTERS,

and Scholars of the Vniversity of

OXFORD, to the Petition, Articles

of Grievance, and Reasons of the

City of O X O N.

According to the directions of an Order of
the Honorable Committee, 21. of June 1649.

To the Petition.



Hereas the Petitioners charge the
Univerſity with the exerciſe of an
Arbitrary and *unlimited* power o-
ver them to their moſt intolerable
ſufferings and oppreſſions, which
they pretend they have for a long
time undergone, & *at this time ſut-*

ter, (although the Petitioners by their Councell at
ſeverall times before this Honorable Committee
have acquitted the preſent Governors of the Uni-
verſity from any ſuch charge, and although the Uni-
verſity for many years now late paſt have ſuffered
great wrongs, & diminutions of their juſt & ancient
rights by the Petitioners, who have taken upon them
to diſpoſſeſſe them of ſome of them before com-
plaint, and of others while their complaint is yet de-
pending.)

We

We answer and say, That the University neither hath exercised, nor does challenge the exercise of any Arbitrary power or jurisdiction over the Citizens: But onely such just Power as they are by Law and Custome confirmed by Act of Parliament warranted unto.

Concerning Port-mead.

1. We answer and deny, that the Petitioners have the *inheritance* of the said Meadow, but only a *right of Common*; and that divers Colleges in the University, and their Tenants, and other men, are (as we conceive) equally interested with the Petitioners in a *right of Common* in that Meadow.

2. That the number of *poore People*, both now and heretofore abounding in the City, is very much occasioned by the Petitioners illegall erecting of multitudes of *Cottages* upon the Towne wall and Ditch, which they rent out to such poore people, & thereby much enhance their own Revenues to the prejudice and impoverishing of the University, by whose Free and charitable Contributions those poore are exceedingly relieved and mainteined.

3. That if all the Charitable donations given to mainteine the *Poore of Oxford* by severall Members of the University were rightly imployed by the Petitioners to that end for which they were given, they could not want a convenient stock wherewithall to set them on worke, as we conceive.

4. That the improvement desired by the *inclosure of Portmead* would not be only to the prejudice of the right of severall Colledges and their Tenants in respect of their said *rights of Common* therein, but to the
 generall

generall impoverishment of the *Poore* inhabitants of the Citty, who claime and use a like right of Common in the said ground, which hath beene, and is a great support to them, and therefore when the like designe of enclosure hath heretofore been attempted by the *richer* Cittizens, it has been mainly opposed and hindred by the *Poore* inhabitants of *Oxon*; and so (we conceive) they doe oppose it at present. And it is to be considered that the *Piece of ground* which they desire to enclose containes by estimation eight hundred *Acres* of rich Meadow.

5. If the Citty have the *inheritance* of Port-meadow, & that it shal be thought fit to give way to such an inclosure as is desired for the ends by them proposed, the Vniversitie will not oppose, so as their interest in the disposing, and the right of the Colleges and their respective Tenants be preserved, or a valuable consideration given them in recompence of their said *Common* in the said Meadow.

*To the first Article of the Citties
pretended Grievances.*

1. **WE** answer and say. That the Vniversitie hath, time out of minde, (and are warranted so to doe by divers Charters confirmed by Act of Parliament) exercised *Power* and *Jurisdiction* in all Causes mentioned in this Article, whereof or wherein a Priviledged person is one party.

2. We doe claime *Allowance* of our Priviledge for such Persons justly priviledged, as the Chancelour shall under the Common seale certifie to any Court to be so priviledged, & we have had it with-

out the formalitie or charge of long pleading, paying only a fee for the allowance of the Certificat.

3. We have ever proceeded according to the course of the *Civill Lawes*, and after witnesses have been openly produced in Court and sworne, their examinations are taken in writing by the Judge and Register, & then published that all parties may have Copies of them, according to the course of the *Civill Law*, the High Court of Chancery, and the Admiralty.

4. We doe not proceed in an *Ecclesiastical* way, but in *Causēs Ecclesiasticall*.

5. Sometimes heretofore we have used the censure of *Excommunication* against our own Members at the instance and for the benefit of the Cittizens, but not so these fifteen or sixteen yeares, and that course being now in effect abolished by Act of Parliament, it cannot be matter of present or future Grievance to the Petitioners.

6. We doe use Summons or *Citations* at first, before we grant out an Arrest against persons of quality, and such as are likely to abide and continue within the jurisdiction: But against Strangers that have no abiding there, and against such as are like to fly we doe grant Arrests without any previous Citation.

7. That our Sentences are (as the Petitioners untruly suggest) *meerly arbitrary and grounded upon no Law, but at the will of the Judge*, we deny; For in his Sentences the Judge followes the Justice and Equity of the *Civill Law*, and *Common Law*, and the Statutes of the Land, against which he cannot nor does not judge.

8. If the Judge be thought to have judged erroneously or unjustly, *Writs of Error* are not brought to our Court, because the manner of proceedings there are not as at the Common Law, but the party grieved may either *appeale*, or complaine of a *nullity*, and have redresse. And if it be appealed in the Vniversity there are there appointed yearly fower or five Doctors, and some Masters from the Congregation and Convocation to heare the complaint, & from their judgements there lies an *Appeale* to the Supream Power in Chancery, where the Judges of the Land & other learned Lawyers both Common and Civill have usually been nominated Judges Delegates, as in the Admiralty and Prerogative Court.

To the Third.

The Vniversity does claime the *Night-walks*, and by Custome confirmed by Act of Parliament hath exercised the same time beyond the memory of man; and that if any man be found by the Proctors abroad in the night without a *reasonable cause*, by the same Custome he is liable to pay forty shillings for his *Nactivagations*; & this extends as well to Townsmen as Schollers or Strangers. But for barely being abroad about a mans owne private, or any other publique occasions, such as are specified in this Article, we absolutely deny.

2. We further affirme, that if any man be taken in the Night he may put in Bayle and shew a reasonable cause of such his being abroad the next day, or as soone as he can; and upon his so doing he is to be dismissed without any payment.

3. If any Proctor have at any time transgressed the just bounds of their power, the Vniversity does not avow them in it, the party greived may take his course against him.

To the Fourth.

The Vniversity time out of minde hath used the sole power of admitting or *Licensing* Common Brewers.

To the Fifth.

The Vniversity never did *challenge* or *exercise* any such power as is mentioned in this Article.

To the Sixth.

The Vniversity doth not take upon them to *Discommen* any man at pleasure; but only upon very great cause and wrong to the Vniversity after motion and due proceedings, and that by common consent in Convocation.

To the Seaventh.

The Vniversity by severall Charters confirmed by And of Parliament does require an *Oath* of the Major and sixty two Citizens, to maintaine their lawfull Priviledges, & so it is expressed in the Oath.

To the Eighth.

The Vniversity doth challenge by Agreement and Indenture under the common Scale of the Towne Corporation the offering of sixty three pence yearly by the Major and sixty two Burgeses: But without any relation to the *High Altar*, or *Massé*, or the *Saples* of so many persons slaine.

To the Ninth.

The Vniversity by Custome confirmed by Act of Parliament does claime a power to make *By-Lawes*, for the good government of the Vniversity and the Peace of the Place, in such things as belong *solely* to the jurisdiction of the Vniversity, whereby the Townes men as well as others are obliged in order to the peace and good government of the Vniversity: But in things that belong to the government of the Citty we meddle not.

To the eleventh.

The Vniversity claimes *Felons Goods* and *Deodands* by an ancient Charter confirmed by Act of Parliament, and we deny that the Citty has any right to them at all.

To the Thirteenth.

The Vniversity does *license Tavernes* in Oxford, according to the true intent of the Statute 7^o Edw. 6th and the persons so licensed are, and may be Townesmen as well as Priviledged persons. And the Citty hath no right to set up any.

To the Fowerteenth.

The Vniversity by ancient Custome and severall Charters confirmed by Act of Parliament, and speciall Compositions with the Citty doth claime, that Priviledged persons may *exercise Trades* according to the Law, as farre forth as any Townesmen: But against the Law (as not having served as an *Apprentice* in such Trades where the Law requires it) wee neither challenge nor exercise any more power then the Cittizens themselves. To

To the *Second, Tenth, Twelfth, and Fifteenth*, and part of the *Fourth* we have forborne to answer, in regard the Petitioners have omitted them in their last paper of *Grievances* of the 10th of *Aprill*; and by their Councell in the Audience of this Committee upon the 21 of *June* did openly declare they would not insist upon them.

To the Paper of Reasons exhibited by the
Petitioners *Aprill 30. 1649.*

1. *To the Reasons of their first Grievance.*

I. **T**O the first Reason of their first Grievance We answer, and deny it to be true that they have any such Charter *allowed in Eyre*, or any such *Custom* as is pretended, *viz. Not to be sued out of their own Court*; Nor ought to have for the reasons following.

1. For that the Vniversity Court and the jurisdiction thereof, is of a higher antiquity then any Charter of the Cittizens legally confirmed concerning their Court.

2. For that in the most and principall Charters of the City, as also in such Acts of Parliament as tend to the confirmation of them, there is an expresse *saving* of all the Rights and Priviledges of the Vniversity.

3. For that it appears by common practice that the Cittizens mutually sue one another in the Courts at *Westminster* and elsewhere, both by originall Suits commenced in those Courts, and by

by removing their Suits out of their own Court by Writs of *Habeas Corpus*, *Certiorari*, and *Writs of Error*.

4. For that they are ordinarily sued by Strangers both in the Courts at *Westminster*, and in other Courts; and we cannot find that ever they pleaded any such *Charters of Exemption*; or if they did, that any such Plea was ever allowed to them; Whereas the *Univerſities* Privilege hath been frequently pleaded and in all ages allowed.

II 2. Whereas the Petitioners claime by their *Charters the ſame Liberties and Cuſtomes with London*.

We answer.

1. The Petitioners have not made it appeare; nor ſo much as aſſerted, that *London* has any ſuch Liberty or Cuſtome, whereby *They* may not ſue & be ſued out of their own Courts.

2. That ſuppoſing *They* have ſuch a Liberty or Cuſtome at preſent, yet the Petitioners have not made it appeare, or ſo much as aſſerted that *London* had any ſuch Liberty at or before the time of the Grant of thoſe ſuſtained Charters to the City of *Oxford*.

3. That divers other Citties and Boroughs in *England* have by their reſpective Charters like Grants of the ſame Liberties with *London* and *Oxon*, who yet are not exempted from ſuing and being ſued out of their own Courts.

4. That it will appeare that the moſt antient Charter which the City of *Oxon* can pretend to, in relation to the liberties of *London*, is utterly repugnant

pugnant to it selfe as to the principall of those Liberties.

5. That *Custom* is the work of time, and grows without Charter, and therefore cannot be granted by Charter.

6. That the *Customes of London* are of great variety to some of which (notwithstanding their Charter be generall for all) the Cittizens of *Oxon* doe not pretend, and to other some when they have laid claime by suits at common Law, by petition to the Lord Major and Aldermen of *London*, by petition in Parliament, and by pleadings in Eyre, their claime ha's not been allowed.

||| 3. Whereas the Petitioners suggest that their *Fee Farm* would be either lost or lessened in case their suits and tryalls should be in the Chancellors Court,

We answer.

1. That ever since the Borough of *Oxon* was first rented out to that Corporation in *Fee Farm*, they have continually false in their Rent, but enhanced their *Revenues* by challenging and taking severall particulars as belonging to their *Fee Farm* which in truth are no parts of it.

2. That granting the *perquisites of their Court* from the proper Suiters to be part of their *Fee Farm*, yet their suing and being sued in the University Court, where a Scholler or priviledged person is one party, would nothing impair the just *perquisites* of their Court or *Fee Farm*, in regard it was never otherwise since they had either Court or *Fee Farm* in *Oxon*.

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III 4. Whereas the Petitioners conceive there are at this present neare *about a third part* of the householders within the Citty *Priviledged* by the Univerſity,

We answer.

1. That we conceive a *tenth part* of the Householdholders within the Citty and Suburbs are not priviledged persons; And that as the *benefit* of their priviledge by the daily growing oppressions and vexations of the Petitioners is in a manner wholly destroyed, so the *number* of priviledged persons is much lesse then ever it was heretofore within the memory of man.

2. That if it were true which the Petitioners suggest, it thence followes, that the Petitioners by desiring (as they doe in their last Article) to restraine *All Priviledged* persons from exercising any Trade within the Citty, doe thereby desire to expose a *third part* of the Householdholders within the Citty as (being priviledged, as they say) to want and beggery.

To the second Reason

We answer.

That it proceeds wholly upon mistakes of the *manner* and rules of *proceeding* in the Univerſity Court which we conceive we have sufficiently cleared in our former Answer to their *First Article of Grievances*.

To the Third Reason
We Reply.

That there is as quick *expedition* in our Court as in any other Courts, and they may as well object *That divers persons commenced severall Suits in the Courts at Westminster for iust debts due unto them by bond and for iniuries committed against them*, and yet (it may be for want of good prooffe by witnesse or otherwise, as for want of able Councell, or carefull Attorneies to look well to their pleadings and executions, or for want of abilitie in the parties sued) *after long and tedious suits and much expence have been destitute of any redresse*; and therefore this manner of reasoning is not at all concludent, being an argumēt drawne *à non causa ut Causa*, which if it were of any force, we might easily turne the edge of it upon the Petitioners, by giving instance in a Priviledged person who ha's a Cause now or lately depending in the Town Court, wherein he sues divers Cittizens for a just debt upon bond, and though his debt & bond were well proved or ready to be proved by sufficient witnesses, and no defect in his Councell or Attourney, nor any disability in the Defendants, yet could he not get his money in that Court, after a long and tedious suit neer two yeares, and much expence. Yet is not the Court to be blamed, but the dilatorie cunning of the Defendants; and we cannot think it reasonable to charge the faylings of men, or other intervening casualties, upon the Law or the Court, either theirs or ours; the due proceedings of which later are in themselves, as compendious as of any other ordinary Court whatsoever.

To the Fowerth and last Reason,
We answer.

1. That such Courts as ours have been found by long experience to *consist* very well with the most flourishing *Commonwealths* that ever were or are in the world, and with the liberty of those people who had or have no other order or manner of proceedings in their Courts then such as is objected to ours.

2. That (as we humbly conceive) the wisdom of this State in former ages thought it fit that our Ancestors should use the practice of the *Civill Lawes* in our Court, the better to traine up young Students in the knowledge of them, that they might thereby be made more serviceable to the *Common-wealth* in affaires at home and abroad.

3. That our University Court is of such antiquity that the Common Law Bookes, and some very ancient, take frequent notice of it, the proceedings thereof being alwaies allowed by the Common-Law. And the Lord Chief Justice *Cooke* in his Book *Of the Jurisdiction of Courts in England* (lately published by authority of the Honorable House of Commons) makes honorable mention of the Courts in both the Universities.

4. That if the Cittizens be plaintifffes (as most commonly they are) besides the expedition which they may finde there, They may have the benefit of the Defendants Oath to ease them in their proofes: They may have *good sureties* put into Court not only to bring in the Defendants but also to *pay the Indgement and Costs* of Suit, They may *arrest* not only
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the Body of any Priviledged person, but also his goods, debts, and things in *Action*.

5. That though this particular (if it were a grievance) does not only concerne the Cittizens of *Oxon*, but all others who shall have any commerce or dealing with Schollers or Priviledged persons, yet have no others complained of our Court, and the Petitioners of all others have least cause.

6. That we doe not challenge or exercise any other jurisdiction over the Petitioners or others in the Vniversity Court then the Cittizens of *Oxon* themselves, and all or most other Citties and Boroughs in *England* doe claime and daily practice without contradiction over all other free-borne people of the Land; to wit, to Arrest and compell them to answer in their respective Courts, if they can be there legally attached to Answer.

7. That we doe not claime or exercise any greater or other Priviledge in this particular then (as we conceive) is granted to and used by other Vniversities in *Europe* as well as ours; to wit, to sue and be sued before their own Iudge, a Priviledge indulged to them and us in favour of Learning; That Schollers may not be called abroad to answer Suits, to the great neglect of their studies, and expence of their time and money.

8. That in *mixt Suites* where one party is of the Priviledge of the Vniversity, and the other of the City since it cannot be otherwise, but such Causes must be heard and determined either in our Court, or the Towne Court, or both must be subject

to a *forraigne jurisdiction* (which would be equally repugnant to the Priviledges of both Bodies, no way advantageous unto them, and extreemly inconvenient for us) we cannot but conceive it more consonant to *justice*, and withall more *convenient* that the Priviledge of the *Vniversity* should herein take place of *theirs*,

1. Because this Priviledge has been *anciently granted* to us, and we have been many hundred years in *possession* of it, and it is also *confirmed* unto us by Act of Parliament.

2. Because the Iudges in the Vniversity Court, having no interest in the particular Suits brought before them, cannot be thought other then indifferent: Whereas if Schollers should be Sued in the Towne Court where the Major and Bayliffes, Judges and Jury, are all Tradesmen, it is very much to be feared it would goe hard with the poore Schollers.

3. Because (as we humbly conceive) the Vniversity is still (as it has alwaies been reputed) the more noble Corporation, more Serviceable in the publique, and in which the whole Nation has a greater interest then in the Citty or Cittizens; who for the most part are beholding to the Vniversity for much of their livelyhood and subsistence (as themselves in the *fift Article* doe imply) whereas we have no dependence upon them, but only wares for our mony at deare rates.

4. Lastly Because (as we likewise conceive) if the Petitioners should prove so unfortunately successfull in their desires as to obtaine the liberty of Suing Schollars in their Towne Court, it would prove in the end very prejudiciall to themselves; for besides that it would minister occasions of discontent and continuall quarrells betwixt the Bodies, it would deterre Schollars from having any dealing or commerce with their new Judges the Cittizens.

I I.

To the Reasons of their second Grievance, made up with divers specious instances to cast aspersions upon the Vniversities Right and Priviledge of the Night-walke,

We Answer.

1. That this Right and Custome is so ancient, so strengthened by confirmation of Parliament, and the benefit thereof so great to all inhabitants by the carefull practice and exercise of it, and the continuance of it so absolutely necessary for the good government of the Vniversity, (especially for securing younger Schollars against the many temptations to lewdnesse and loosenesse, which they ordinarily are exposed to by meanes of such Townesmen as make their own advantage out of the others luxury and deboystnesse) that no man of any civill conversation, Stranger, Sojourner, Cittizen, or other, hath ever expressed the least reluctancy against it: As for such disorderly walkers, who are of a contrary disposition, it is used only to reduce them

to civility; and the Proctors exercise the like power over them, which the Constables and Magistrates in other places are allowed by the Lawes of the land, to preserve the quiet of the place, and to punish the misdemeanors of such as are disorderly.

2. We doe not know that any Proctors ever exercised such power over the Publike Magistrates of the City in the due execution of their offices as is charged in this Article: Or if any did the parties grieved might have their remedy against them; the Vniversity does not claime any such power.

3. We answer and deny That the City have any such ancient Charters concerning *five Aldermen and eight Assistants* of the City as is pretended in this Article.

4. We likewise deny that in the case of *Reformation* the Proctors are any *Judges* at all, but only Relators of the Offendors; nor are they to have the forty shillings, but only the halfe in case of legall conviction, as in all other cases of mulcts.

5. As for what the Petitioners have proposed as an expedient in this point, *That the Towne Officers may have as much power over us, as the Vniversity Officers over them*, we conceive it would be neither just nor safe for them to endeavour or us to consent to the dividing that power with them which by Law and practice is wholly ours, and which is so absolutely necessary to the well governing of the Vniversity. Besides, we conceive That if both parties should walke in the Night it would breed occasion of quarrells and tumults if not blood-shed. And how little cause the Petitioners have to complaine of

of Tyranny in the exercise of this power, wee dare
 appeale, *to the consciences* of the best and gravest Cit-
 izens, whether *they* have not enjoyed both quiet &
 profit by the vigilant care of the Proctors in the
 Night watch: *To the knowledge* of such others of
 their Body, whose disorders made them justly ob-
 noxious to that power, whether they have not usu-
 ally been much more favorably dealt with then the
 members of our own Body: Lastly, *To the Testimony*
 of many other civill Gentlemen both of our owne
 and forraigne Nations, who in times of peace did
 use to come and sojourne in *Oxford*; whether they
 did conceive it any Greivance to them to be sub-
 ject to this and other rules of government of the
 Univerſity, which the Petitioners are pleased to tra-
 duce as *arbitrary and Tyrannicall*.

III.

*To the Reasons of the Third Greivance,
 We answer.*

1. That the Univerſity having the undoubted
Aſſize of Bread and Beere (and the *Oath* for the ob-
 ſerving that *Aſſize* being a neceſſary conſequent de-
 pending on it) the right and cuſtome of admitting
 and *Licenceing* of common *Brewers & Bakers* in *Ox-*
on is not only ancient, but for the fitteſſe thereof
 hath alſo received and had confirmation by Act of
 Parliament. Neither is it without examples of like
 nature in the Book-caſes, where time hath in-
 dulg'd the like cuſtome to perſons of qualitie in o-
 ther places. And this particular right of the Univer-
 ſity hath not many yeares ſince been declared by the
 free

free and voluntary acknowledgment of the Brewers of *Oxon* themselves, as in due time will be shewed in writing.

2. As for the *Fees* of such *Licences* or admissions, we answer, They have been anciently paid to severall *Officers* of the *Vniversity* for their paines about that businesse, & are (as we conceive) in themselves but moderate, farre short of such *Fees* as are required by the *Citty*, and their members in other like cases. But the *Vniversity* claimeth no *Fee* to their *Body* for any such *Grant* or *Licence*.

3. We further conceive it is not *improper* for the *University* to have this right, which (in all probability) would be worse practised and with greater prejudice to the publique, if exercised by the *Citty*, whose chiefe *Magistrates* are for the most part men of the same *Trades*, & who by severall *Acts* of *Parliament* are prohibited from entermeddling with the *Affizing* and *Correction* of victuals, or the defaults therein.

IIII.

To the Reasons of the fowerth Grievance
We answer.

1. The *University* never *challengeth*, nor did any *Vicechancellor* ever exercise any such power of *puling downe*, or abating, *Townesmen houses*.

2. Asto the two instances, we say, Those houses were both erected by the *Citty* and those who derive from their *Title* with such prejudice to the common passages adjoyning that they were presented at the *Lect* as *Nusances*, whereupon they were

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ordered

ordered to be abated, viz. so much of the first of them as might enlarge the passage at *Smithgate* (which had been obstructed by that encroachment) to the conveniency of a Coach or Cart-way, and what was done by the Vicechancellor herein, was upon the request of the City, expressed in their letters to the Lords of the Privy Councell the 17. of *April*, 1634. by whose Order thereupon made the oversight of doing thereof was referred to the then Vicechancellor, as intrusted with the Care and Custody of the Streets there: The *second*, totally to be demolished, as being most notoriously disliked and complained of by the whole Countrey and all passengers, to whose great danger it was in their travell over *East Bridge*, whereupon it was newly erected, Upon the doing thereof the Lords then directed that convenient recompence should be made to the Owners of those houses by those that did abate the, which was in truth the City themselves, and not the University or Vicechancellor.

V.

*To the Reasons of the Fifth Greivance,
We answer.*

1. That the matter here intimated by the Petitioners (for it beares not any direct charge of *Discommuning*) is an ancient Priviledge of the University, albeit rarely practised and not but upon great provocation, to which the University ha's recourse as to their last refuge against the professed Adversaries of the publique rights, peace, and good government.

ment thereof, and that only by their joynt and generall consent in Convocation, wherein wee conceive our proceedings justifiable,

1. For that of common right trading is free for all persons, where & with whom they please; and the same measure we doe herein mete to the Cittizens, they may, and we are content (if they see just cause) they shall mete to us againe.

2. For that the Petitioners doe the like themselves not only towards the University & Priviledged persons, but even to members of their own Body.

3. We further answer, That this practice of the University cannot in congruity be construed as tending to a *Monopoly of Trading*, in the intentions of those that use it; who are neither so ignorant of their own interest, nor so much enemies to it, as to desire any thing more then an universall *Freedom of Trade*; which as it is most consonant to the native liberty of every Free man and to the Common Law of the Land; so would it be more beneficiall to Scollers then any other persons, they living wholly upon the penny, buying all commodities, but having nothing to sell. But whether the Petitioners themselves, bee not in an high measure guilty of that crime, which they here object to the University we desire may be considered, for that they have got, by purchase or otherwise, into their hands severall ancient *Fayres*, & *Markets* heretofore used to be kept in *Oxon*, and sometimes belonging to some Colledges, and have supprest them to make way for their owne sole Trading in that place; and have of late without any just

warrant, erected new *Corporations* of particular Trades, and by colour thereof engrosse such Trades amongst themselves, to the great prejudice of other Tradesmen, and the enhanſing of prices upon all manner of buyers.

VI.

To the Reasons of the sixth Grievance,

We Answer,

1. That the *Oath* complained of by the Petitioners, as to the *forme* of it, hath been approved and settled upon ſolemne debate in Parliament above ſower hundred years agoe.

2. Whereas they object againſt it that it is conceived in *Generall termes*; We reply, So are all thoſe Oathes which are required by the Cittry of *Oxon* and other places of all their Free men, when they are firſt enfranchiſed, to *preserve the Liberties* of their reſpective Corporations.

3. Whereas they pretend *ignorance* of our Priviledges, and thereby inſinuate how unjuſt it is they ſhould Swear to preſerve them, We answer, That neither this Oath which we require, nor any other of that kinde which is conceived in *Generall termes* does, by intendment of Law, bind the takers to any farther obſervance of the particulars comprehended within that generality, then *as they ſhall come To their knowledge*; And we farther ſay, That this reaſon (if it be of any force) is much more pregnant againſt that Oath, which is uſually impoſed upon all the Freemen of *Oxon* at their firſt admittance, to *maintaine and keep all the Franchiſes, Liberties, and Cuſtomes*.

ssomes of the Citty, to which many of them are alto-
gether strangers at the time of their taking that
Oath; Whereas none are required or admitted to
sweare to maintaine the Liberties of the Vniversity
but a few Cittizens of the Graver sort, to whom
by reason of vicinity and long coverstation amongst
us, the Customes and Liberties of the Vniversity
are sufficiently knowne.

4. Though we doe confesse *all* priviledges to be
just which we claime, yet we neither pretend to be
our own Judges to determine, in poynt of Contro-
versy, *which are just*; neither doe we pretend that the
Major or any Cittizen is bound to sweare, or if he
doe sweare is bound to maintaine all or any Privi-
ledges barely claimed by the Vniversity *as just*, un-
lesse they be so in themselves, and have been *lawful-
ly used* by the Vniversity. And therefore since (as is
clare by the words of the Oath) we doe not claime
that the Major and Cittizens ought to sweare to
maintaine any other then the *lawfull* Priviledges of
the Vniversity, And that it is acknowledged by the
Petitioners, that the Major is bound by his Oath
(and known by common practice, that every Free-
man is in like manner bound) to maintaine *all* the
Liberties of the Citty, and that *many* of those doe
clash and stand in opposition to diverse of those
which the Vniversity so claime, It must follow, that
all such pretended liberties of the Citty as doe clash
with those Liberties of the Vniversity which the
Major and Cittizens are required by Oath to main-
taine, must be in themselves unlawfull.

5. Lastly, we crave leave to observe a very pre-
posterous

posterous course taken up by the Cittizens of latter times to overthrow the just and ancient Rights of the Vniversity, by the new forged Engines of their City Oaths, for first they frame an Oath contrary to our Priviledges, and then complaine of our Priviledges for being contrary to their Oath.

VII.

*To the Reasons of the seventh Grievance
We Answer,*

That for the great losse sustained by the Vniversity in *Edward* the thirds time by the cruell and bloody outrage of the Townesmen against the persons and goods of many thousands of innocent Schollars, the Major Bayliffes and Commonalty then entred into two Bonds, one of *five hundred pounds*, and the other of a *hundred markes* yearly to the Vniversity; the former was given up upon the paiment of *fifty pounds* only, (no way answerable to that losse) the second was suspended by an *Indenture of Composition* so long as the Major and sixty two such Townesmen as had been sworne that yeare to preserve the Priviledges of the Vniversity, should yearly upon *Scholastica's* day repaire to *St Maries* Church, and be there present at such Service as was suitable to those times, and should then and there offer sixty three pence: which was to be distributed two parts to the poore, and a third to the Minister of the Parish. Upon the Reformation in *Queene Elizabeths* time, by consent of both Corporations, that Service was changed into a *Sermon or Communion*, but the *Offering* was agreed to be continued, which

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if the Citty will redeeme the Vniversity expects
First recompence for the remainder of the Mony a-
 bated upon that first agreement, *Secondly* a repara-
 tion for the Scandall of this Article and Grievance,
 there being none more abhorring of *Superstition*
 then they who are herein charged with an endea-
 vour of continuing it.

VIII.

To the Reasons of the eight Grievance

We Answer,

1. That the Vniversity, by ancient Custome con-
 firmed by Act of Parliament, have used to make *By-*
lawes for the better ordering and government of the
 Vniversity and Schollars therein; which *By-lawes*
 bind not only Schollars but Tradesmen also in rela-
 tion to the Ordering and Government of Schollars
 and not otherwise, And this power is adjudged in
 diuerse Booke-cases to be binding unto strangers in
 the like cases, albeit they never actually consented
 by themselves or any immediate Representatives
 to the making of such *By-Lawes*.

2. That the Petitioners themselves in other ca-
 ses, doe both claime and exercise a like power over
 the Estates and Persons of diuerse Inhabitants in
 or out of their Corporation, nor any waies privy
 or consenting to their Orders either by themselves
 or any Representatives.

3. As to the instance concerning *Taylors*, we an-
 swer as before, That we have not made any *By-*
lawes concerning them but in relation to the Go-
 vernment of Schollars; and we conceive it inconve-
 nient

nient that it should be in the power of Tailors to inveigle young Gentlemen into new and chargeable fashions in Apparell, contrary to the desires of their Parents, the direction of their Tutors, and the publique Discipline and Order of the Vniversity, meerly to enhance their own prices in the making, and the Mercers gaines in the selling, of such deare but unnecessary trimmings as this instance relates unto: And we say farther, That we know none more guilty of the Grievance here objected to the Vniversity then the Tailors of *Oxford* themselves are.

IX.

To the Reasons of the ninth Grievance,

We Answer,

1. That the particulars here in Question are meerly matter of Law, to which of the two Corporations, *Felons Goods* and *Deodands* doe of right belong, The Vniversity claimes them as granted to us in expresse words by an Ancient Charter (the only way by which they can be granted) and this Charter is confirmed by Act of Parliament, and we deny that the City have any such Charter precedent to ours that does grant them to the City, and upon this we are ready to submit to a Tryall at Law.

2. That if the Petitioners have no good Charter for them, then their having the Custody and Charge of the *Gaole*, and the power to try the *Prisoners* when they purchase such a Commission, and their being liable to *Escapes*, will not entitle them to the *Goods of Felons* (much lesse to *Deodands*) nothing being more known and ordinary then for severall

verall Lords of Franchises to have the Goods of such Felons as were their Tenants, who yet are not kept or tryed at their charges.

3. We say though the Citty have *one* Gaole with the custody whereof they are charged, yet there is another within the Liberties of the Citty and used by the County, to which the Vniversity does commit most of their Prisoners, and may doe so by all.

4. Though they be charged with their Gaole and Prisoners, yet is it very little charges to them: such Prisoners as have where-withall being maintained out of their own goods, and such as have not, by Almes, especially of the Vniversity and Colledges, the Gaoler in the meane time making a good advantage of his place by Fees and otherwise.

5. What charges they voluntarily put themselves to in the tryalls of Felons, is more then they need to doe; for if the Felons be of the body of the Vniversity, they may be tryed before our Steward at our charges if we please. And if they be not of our Body, they may and have been tryed before the Judges of Assise and Gaole delivery for the County.

6. Why such Perquisites as are meere matter of profit should be thought by the Cittizens so improper for Schollars to enjoy, we doe not understand; nor doe we know how they doe or can engage Schollars in such trouble as is surmised; which the Vniversity doe receive by the hands

of their Bailiffs and may (if they please) rent them out to any other person.

7. All the pretensions of the Petitioners in point of convenience doe nothing respect either *Decodands* the goods of *Fugitives*, *Treasure Trove*, and other particulars which are in like manner challenged both by the University and City upon the same titles as *Pelons Goods* are.

X.

To the Reasons of the tenth Grievance,

1. We answer and deny that the City hath any power by Charter or otherwise to set up *Taverns* or to Licence the selling of Wine by retails in *Oxon*; nor doth the Statute of 7^o. *Edw. 6^{ti}. cap. 5^{to}*. by letter or Equity enable them so to doe. But the University both at the time and long before the making of that Statute had and used the priviledge of *Licencing* and *suppressing* of *Tavernes* in *Oxon*. And this our Priviledge is saved unto us, by an expresse *Proviso* in that Statute, by virtue whereof we doe justifie the inhibiting the City to erect *Tavernes*, or Licence the sale of Wine by retails in *Oxon*.

2. We further say, that in respect of that power which we claime and exercise over *Vintners*, *Brewers*, *Bakers*, and other *Victualers*, and in the *Market*, and for those small perquisites wee receive thence, the *Citizens* are yearly abated, and the University was anciently charged with a considerable part of their *Fee Farme rents*, whereas wee doe not receive any considerable benefit this way proportionable to what the City hath, or claimes to have, as belong-

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ging to their Fee Farme other waies.

XI.

To the Reasons of the Eleventh Grievance

We answer. 1. That it is one of the most ancient Liberties of the University that the Priviledged persons thereof may use any Trade and exercise any Merchandize in *Oxford*, or the Suburbs thereof as freely as any Cittizen; and this hath been confirmed unto us not only by Act of Parliament, and Judgment in Parliament, but also by Indentures of Composition between the two Bodies, whereby the Priviledged persons have been ascertained that should exercise such trade and Merchandize; who in that regard are to be talliable by scot and lot and other charges with the Free-men of the City.

2. Wee doe not otherwise then according to this priviledge assume power to set up Trades within the City; nor doe we authorize *Forreigners* to exercise Trades in *Oxon*, other then such as by the Law of the Land and Priviledge of the University are and ought to be allowed, however some of them have of late yeares been unjustly molested by the Cittizens for so doing.

3. We deny that the City ha's any Charter so confirmed as is pretended to exclude Priviledged persons from exercising lawfull Trades and selling by retails within the City, though they be not of their Guild, no such Charter having hitherto been produced upon former Hearings when this point has been in debate betwixt us.

4. Lastly we humbly conceive this Libertie can-

not in equity and good conscience bee taken from Priviledged persons, who are many of them Butlers and Manciples, or other Officers and Servants to the Univerſity and the Colleges and Halls therein, having Wives and Children to maintaine, which they cannot otherwise doe then by Exercising lawfull Trades; their ſmall wages & allowances which they receive by their reſpective places being ſcarce ſufficient to maintaine them in meat and cloathes and other neceſſaries, if they were ſingle perſons and had no other charge.

To the Concluſion.

By what hath been ſaid on either party we ſuppoſe it does ſufficiently appeare that ſome of the particulars in controverſy betwixt us (which the Univerſity claimes as their juſt and ancient Priviledges, and the Citty complaine of as Grievances) doe concerne meere matter of profit and intereſt; to which if our Title be good in Law, we hope they will not be thought inconvenient for us to enjoy, though the Citty deſire to ſtrip us of them; And becauſe a full hearing and exact diſcuſſion of all their and our Charters and Pretenſions would occaſion much trouble to this Honorable Committee, we therefore humbly pray that we may be left to a tryall at Law for all ſuch things as are meere matter of Title, and not be diſturbed in our poſſeſſion till we ſhall be evicted by Law.

As for other Particulars which concerne matter of Power

Power and Jurisdiction we likewise humbly desire; That our *Right* may be cleared and acknowledged *first*, and *then* the matter of *Convenience* taken into consideration; whereby we hope it will appeare, that as those Priviledges are *just* and legall, so they are no way *unfit*, but absolutely *necessary* for us to enjoy, as tending to the advancement of Piety, Civility, and Learning, no way derogatory to the Power of the Civill Magistrate, nor founded upon Superstition or Tyranny, nor inconsistent with the just freedome and immunities of the Cittizens. Wherein we desire it may be considered, That many large immunities and Priviledges have been granted and are enjoyed by the Citty in respect of the Vniversity: That their principall Benefactors have been members of the Vniversity: That they receive an ample benefit by our continuall commerce and trading with them, all or most of our Revenue coming in from abroad, but expended amongst them: That their Children receive a liberrall education and preferment amongst us beyond the proportion of other places: That, if it were not for the Vniversity, the Citty of *Oxford* would be but of mean consideration: That there are many other Citties, but only one more University in the Land, and those two as famous as any in the World: That the Vniversities are the publique Nurseries of Religion, Piety, Learning, and Civility, and therefore have ever been the great Care of Parliaments and the Glory of the Nation: That though some of the Powers claimed and exercised by the Vniversity over the Cittizens may seem Grievous to the

Cittizens, yet are they *Necessary* for us, without which it would be impossible to give a good account of that great trust which is committed to us for the training up of youth, upon whose education not only their own wellfare, but the flourishing condition of the Common-wealth (next under God) does very much depend.

We therefore humbly desire and pray, That the Golden reignes of that ancient Discipline, by which both the Vniversity and Citty have for so many hundred of years stood and flourished together, may not be let loose, to the certain debauching of both Bodies, for the enriching and advantage of one, nor be committed to other hands, which would (we feare) engage the members of both Bodies in continuall quarrells, and open a gap to such sad consequents, as we shall be sorry to see but unable to prevent,

FINIS.

Q. where this controversy
was concluded. in Dr. G.